

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

AUGUSTO SANTILLAN,

Plaintiff,

V.

SNAP-ON INCORPORATED, a foreign Corporation, INGERSOLL-RAND COMPANY, a foreign Corporation,

Defendants.

Case No.: _____

Notice of Removal

NOTICE OF REMOVAL

TO: Clerk of the United States District Court for the Northern District of Illinois

Stephan D. Blandin
Michael E. Holden
ROMANUCCI & BLANDIN
33 North LaSalle Street
Suite 2000
Chicago, Illinois 60602

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant INGERSOLL-RAND COMPANY (“IR”) hereby removes this action, with reservation of all defenses, from the Circuit Court of Cook County, Illinois to the United States District Court for the Northern District of Illinois. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332(a). As grounds for this removal, IR shows the Court as follows:

BACKGROUND

1. Plaintiff Augusto Santillan filed this lawsuit on March 18, 2010, in the Circuit Court of Cook County, Illinois, County Department, Law Division, said action being designated

No. 2010-L-003431 (the “State Court Action”). A copy of the Complaint is attached hereto as Exhibit A.

2. Plaintiff Augusto Santillan alleges that on or about March 21, 2008, he was “seriously and permanently injured” when an adapter socket in an air wrench he was using failed. He alleges that defendant Snap-On Incorporated (“Snap-On”) designed and manufactured the adapter, and that defendant IR designed and manufactured the air wrench. *See* Compl., Count I, ¶¶ 4, 14, 15; Count IV, ¶¶ 4, 14, 15.

3. Plaintiff alleges that IR and Snap-On are liable for his damages for improperly and defectively designing and manufacturing the products he was using when he was injured.

4. This Court has subject matter jurisdiction over this action and all claims asserted against the defendants pursuant to 28 U.S.C. § 1332(a).

5. Because this Court has subject matter jurisdiction over this action, removal of this action to this Court is proper pursuant to 28 U.S.C. § 1441.

6. Venue is proper in this Court pursuant to 28 U.S.C. §§ 93(a)(1) and 1441(a), because the United States District Court for the Northern District of Illinois, Eastern Division, is the federal judicial district and division embracing the Circuit Court of Cook County, Illinois, where the State Court Action was originally filed.

7. This Notice of Removal is timely filed in compliance with 28 U.S.C. § 1446(b), because it is filed within thirty days after April 5, 2010, the date upon which both IR and Snap-On were served with process.

8. Defendant Snap-On consents to this removal. Therefore, all properly joined defendants have consented to this Notice of Removal.

9. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings and orders served upon IR in the State Court Action are attached to this Notice as Exhibit A.

10. Pursuant to 28 U.S.C. § 1446(d), IR is filing this Notice with this Court, serving a copy of this Notice upon Plaintiff's counsel and filing a copy in the Circuit Court of Cook County, Illinois.

BASIS FOR DIVERSITY JURISDICTION

11. This Court has subject matter jurisdiction over this action and all claims asserted against the defendants pursuant to 28 U.S.C. § 1332(a).

12. Under 28 U.S.C. § 1332(a), federal courts have original jurisdiction over all civil actions where the action is between citizens of different States and the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. *See* 28 U.S.C. § 1332(a).

13. This action satisfies all requirements for federal jurisdiction under 28 U.S.C. § 1332(a).

14. This action is between citizens of different States because the Defendants and Plaintiff are citizens of different states. Plaintiff is a citizen and resident of the state of Illinois. *See* Compl., Count I, ¶ 1. Defendant Snap-On is a corporation organized under the laws of Wisconsin, with its principal place of business in Wisconsin. *See* Compl., Count I, ¶ 2. Defendant IR is a corporation organized under the laws of New Jersey, with its principal place of business in New Jersey. *See* Compl., Count IV, ¶ 2. Accordingly, the requirement of complete diversity is satisfied, inasmuch as Plaintiff is a citizen of Illinois, and defendants are citizens of Wisconsin and New Jersey. *See* 28 U.S.C. § 1332(a).

15. Plaintiff specifically alleges that his money damages exceed \$50,000. *See* Affidavit of Michael Holden, last page of Complaint. More specifically, Plaintiff demands

damages for his alleged “serious and permanent” injury, which includes “past and future pain and suffering, disfigurement, disability, sustained lost earnings and earning capacity, incurred legal responsibility for past medical bills and . . . for future medical bills and other damages, all of which injuries and conditions are permanent in nature.” *See* Compl., Counts I and IV, ¶¶ 15, 16; Count II and V, ¶¶ 14, 15; Count III and VI, ¶¶ 17, 18. On these facts, IR reasonably believes and therefore avers that the amount in controversy exceeds \$75,000 exclusive of interests and costs. Accordingly, the amount in controversy requirement is satisfied. *See* 28 U.S.C. § 1332(a).

16. Because 28 U.S.C. § 1332(a) confers federal subject matter jurisdiction over this action, removal of this action to this Court is proper pursuant to 28 U.S.C. § 1441.

WHEREFORE, for the reasons set forth above, Defendant INGERSOLL-RAND COMPANY requests that this Court assume full jurisdiction over this action as provided by law.

INGERSOLL-RAND COMPANY DEMANDS TRIAL BY JURY

Dated: May 3, 2010

Respectfully submitted,

/s/ Christine E. Skoczylas
Mark P. Miller (#6191128)
Christine L. Skoczylas (# 6293811)
WILDMAN, HARROLD, ALLEN & DIXON LLP
225 West Wacker Drive, Suite 2800
Chicago, IL 60606-1229
Telephone: (312) 201-2000

Attorneys for Defendant Ingersoll-Rand Company

Snap-On Incorporated hereby consents to, and joins in, removal of this matter.

/s/ Anthony P. Steinike

Charles E. Harper (#6269908)

Anthony P. Steinike (#6279857)

QUARLES AND BRADY LLP

300 North LaSalle Street, Suite 4000

Chicago, IL 60654

Telephone: (312) 715-5000

Attorneys for Defendant Snap-On Incorporated

CERTIFICATE OF SERVICE

I, Christine E. Skoczylas, an attorney, state that I have served a copy of the foregoing Notice of Removal to all counsel of record by depositing a copy of same in the United States Mail at 225 West Wacker Drive, Chicago, Illinois, 60606, properly addressed with the proper prepaid postage affixed thereto this 3rd day of May, 2010:

Stephan D. Blandin
Michael E. Holden
ROMANUCCI & BLANDIN
33 North LaSalle Street
Suite 2000
Chicago, Illinois 60602
Attorneys for Plaintiff

Charles E. Harper
Anthony P. Steinike
QUARLES AND BRADY LLP
300 North LaSalle Street
Suite 4000
Chicago, IL 60654
*Attorneys for Defendant Snap-On
Incorporated*

/s/ Christine E. Skoczylas